

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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SPARK THERAPEUTICS, INC.,

*Plaintiff,*

v.

BLUEBIRD BIO, INC.,

*Defendant.*


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C.A. No. 21-705-WCB

**PLAINTIFF'S MORE DEFINITE STATEMENT**

Pursuant to the Memorandum Order dated December 17, 2021 (D.I. 40) and the telephonic hearing on the same date, Plaintiff Spark Therapeutics, Inc. provides the following more definite statement of the trademarks and trade names Plaintiff is asserting in connection with its preliminary injunction motion:

<b><u>Mark</u></b>	<b><u>Sources of Protection</u></b>	<b><u>Exemplary Citations to Opening Preliminary Injunction Brief</u></b>
SPARK	Federal registration and common law trademark and trade name, and 15 U.S.C. §§ 1114(1), 1125(a), and 6 Del C. § 3313	PI opening brief (D.I. 19) at 1-2, 10, 14 & Ex. A
SPARK THERAPEUTICS	Common law trademark and trade name, and 15 U.S.C. § 1125(a) and 6 Del C. § 3313	PI opening brief at 1-2
	Common law trademark and trade name, and 15 U.S.C. § 1125(a) and 6 Del C. § 3313	PI opening brief at Ex. A

<u>Mark</u>	<u>Sources of Protection</u>	<u>Exemplary Citations to Opening Preliminary Injunction Brief</u>
SPARKMEDICAL.COM	Federal registration and common law trademark, and 15 U.S.C. §§ 1114(1), 1125(a), and 6 Del C. § 3313	PI opening brief at 1-2, 10, 14 & Ex. A

All of the foregoing marks and names are being asserted in connection with plaintiff's trademark infringement claims under the Lanham Act, but only the Delaware common law trademark and trade name rights are being asserted in connection with plaintiff's Delaware dilution claim under the Delaware Trademark Act, except to the extent that federal registration is relevant to demonstrate distinctiveness of the mark, as required by the Delaware dilution statute.

Dated: December 27, 2021

Respectfully submitted,

/s/ Beth Moskow-Schnoll

Beth Moskow-Schnoll (No. 2900)

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